

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: 1:14-cv-1000-RM-CBS

MITCH SHEPPARD, individually and on behalf of all persons similarly situated,

Plaintiff,

v.

**WEATHERFORD INTERNATIONAL, LLC F/K/A WEATHERFORD
INTERNATIONAL, INC., and PRECISION ENERGY SERVICES, INC.,**

Defendants.

**~~STIPULATION AND PROPOSED~~ ORDER REGARDING PLAINTIFF'S
MOTION TO FACILITATE NOTICE PURSUANT TO 29 U.S.C. § 216(b)**

Plaintiff Mitch Sheppard ("Plaintiff") and Defendants Weatherford International, LLC f/k/a Weatherford International, Inc., and Precision Energy Services, Inc. ("Defendants") (collectively, the "Parties"), through their undersigned counsel, file this Stipulation and Proposed Order Regarding Plaintiff's Motion to Facilitate Notice Pursuant to 29 U.S.C. § 216(b). The Parties stipulate and agree as follows:

1. On April 8, 2014, Plaintiff brought this action against Defendant Weatherford International, LLC f/k/a Weatherford International, Inc. ("Weatherford"). (Dkt. No. 1.) Weatherford filed its Answer on May 21, 2014 (Dkt. No. 11), contending that Plaintiff was employed by Precision Energy Services, Inc. ("Precision"), an affiliate of Weatherford. (Dkt. No. 11 at 1 n.1.) Plaintiff filed a First Amended Class and Collective Action Complaint on June 11, 2014 to add Precision as a Defendant. (Dkt. No. 14.) Weatherford filed its Answer on June 25, 2014 (Dkt. No. 19), and Precision filed its Answer on August 12, 2014 (Dkt. No. 24).

2. Pursuant to the Court's June 24, 2014 Order, the Parties engaged in limited fact discovery related to Plaintiff's Motion to Facilitate Notice Pursuant to 29 U.S.C. § 216(b), that included: a) exchanging narrowly tailored interrogatories and document requests; b) Rule 30(b)(6) depositions of Precision's corporate designees in the Drilling Services and Wireline Services business units; and c) Plaintiff's deposition. (Dkt. No. 25.)

3. On August 29, 2014, Plaintiff filed his Motion to Facilitate Notice Pursuant to 29 U.S.C. § 216(b). (Dkt. No. 28.)

4. In lieu of further briefing on Plaintiff's Motion to Facilitate Notice Pursuant to 29 U.S.C. § 216(b), the Parties have met and conferred, and stipulate and agree to FLSA conditional certification of this lawsuit pursuant to 29 U.S.C. § 216(b) on behalf of:

ALL CURRENT AND FORMER EMPLOYEES OF WEATHERFORD INTERNATIONAL, LLC F/K/A WEATHERFORD INTERNATIONAL, INC. AND PRECISION ENERGY SERVICES, INC., WHO WORKED IN THE POSITIONS OF MEASUREMENT WHILE DRILLING ("MWD"), LOGGING WHILE DRILLING ("LWD"), AND M/LWD, IN THE UNITED STATES FROM APRIL 8, 2011 TO THE PRESENT (THE "FLSA CLASS").

5. By agreeing to this stipulation, the Parties agree that Defendants do not waive their right to argue, following the close of fact discovery, that the FLSA Class should be decertified.

6. The Parties agree to file with the Court their proposed Notice of Collective Action Lawsuit ("Notice") and proposed Opt-In Consent Form ("Consent") by October 1, 2014. If the Parties are unable to agree on these forms, they shall submit the competing versions as exhibits to a joint letter stating the Parties' respective positions and the Court shall decide which forms to approve.

7. Within seven days after the Court's Order approving the Notice and Consent forms, Defendants shall deliver to a third-party Claims Administrator an electronic database

containing the names, job titles, dates of employment, last known mailing addresses, last known telephone numbers, and the last four digits of the Social Security Numbers of all FLSA Class members (the “FLSA Class List”) which may be produced subject to the Parties’ agreed protective order, in order to maintain the confidentiality of this information. (Dkt. No. 21.) Plaintiff’s counsel shall select the Claims Administrator subject to Defendants’ approval. Defendants, however, shall not unreasonably withhold their approval.

8. Within seven days after receiving the FLSA Class List, the Claims Administrator shall cause to be mailed, at Defendants’ expense, the Notice and Consent forms to the FLSA Class members and shall include a self-addressed, stamped envelope. Prior to sending the Notice, the Claims Administrator shall run the list of FLSA Class members through the U.S. Postal Service’s National Change of Address database (“NCOA”).

9. The Claims Administrator shall provide notice to the Parties that the Notice and Consent have been mailed.

10. Within thirty (30) days after the date of mailing of the Notice and Consent forms, the Claims Administrator shall cause to be mailed a reminder notice in the form of the Notice and the Consent to all FLSA Class members who have not yet opted in.

11. Any FLSA Class member who wishes to join this lawsuit shall return their signed Consent to the Claims Administrator so that the signed Consent is postmarked within sixty (60) days of the mailing date.

12. The Claims Administrator will send “.pdf” copies of all returned Consent forms to Plaintiff’s counsel along with an accurate statement or log of the date each returned Consent was postmarked and/or received. Returned Consent forms will be deemed to be filed on the day they

are stamped as received by the Claims Administrator. Plaintiff's counsel shall file the returned Consent forms on the docket via ECF on a weekly basis during the notice period.

WHEREFORE, the parties respectfully request that the Court approve this Stipulation and conditionally certify the FLSA Class pursuant to 29 U.S.C. § 216(b).

Dated: September 19, 2014

Respectfully submitted,

/s/ Shannon J. Carson

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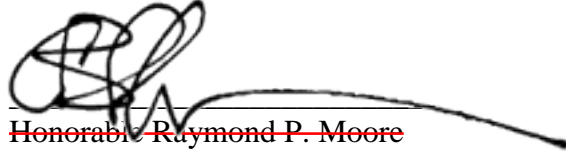
Respectfully submitted,

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Attorneys for Defendants

SO ORDERED this 21st day of October, 2014.

A handwritten signature in black ink, appearing to be 'R. P. Moore', with a long horizontal flourish extending to the right.

~~Honorable Raymond P. Moore~~
~~United States District Judge~~

Craig B. Shaffer

United States Magistrate Judge